

Application No. 10/530,552

Reply to Office Action

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REMARKS

Discussion of Specification and Claim Amendments

The specification has been amended to correct an obvious typographical error. Thus, paragraphs [00105] and [00106] have been amended to identify that compound 25 has a 6-amino group rather than a 6-methylamino group (on purinyl), as supported by Table 3 at page 44. In addition, the synthetic procedure set forth in paragraph [00106] should lead to the 6-amino compound. Further, it is clear that the 6-amino compound was intended at lines 4-5 of paragraph [0018]; otherwise, the second 6-methylamino compound would be a duplicate. The Advisory Action has acknowledged this amendment is not new matter. Note "Experimental Example 25." was not amended. Since there was underlining originally, in order to avoid any misunderstanding that there is an amendment, Experimental Example 25 has been italicized.

The claims have been amended to cover allowed and allowable subject matter so as to expedite the prosecution of the application. Claim 7 has been rewritten as an independent claim; compound 25 has been deleted and compound 29 has been added; see paragraph [00113] at page 37. Compound 29 was part of original claim 7; however, compound 29 was removed from claim 7 by the amendment filed on May 8, 2006, as claim 7 was then dependent upon claim 6 and compound 29 was not encompassed by claim 6. Since claim 7 has been now rewritten as an independent claim, claim 7 can include compound 29. As the Examiner has already searched compound 29 (also presented in allowed claim 43), no further search or consideration would be required. Accordingly, the amendment to claim 7 does not raise any issues. The Examiner is respectfully requested to enter the amendment. These reasons should address the comment in the Advisory Action that the "amended claim 7 name does not agree, since it has '2R, 3S, 4R'". The remarks do not address this."

The amended claims and specification are supported by the original claims and the specification. No new matter has been added.

The Office Action

The Office Action sets forth the following grounds for rejection:

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1. Claims 6, 8, and 22-24 are rejected under 35 USC § 112, second paragraph, for an alleged indefiniteness;
2. Claims 1, 3-4, 6, 8, 10, 19-20, 22, 26-28, 30, and 46-48 are rejected under 35 USC § 112, first paragraph, for an alleged lack of written description; and
3. Claims 26-31, 45, and 48 are rejected under 35 USC § 112, first paragraph, for an alleged non-enablement.

Claims 43, 44, and 49-51 have been allowed.

Claims 5, 7, 9, 21, 23, and 25 are objected to as being dependent upon a rejected base claim, but are indicated allowable if re-written in independent form including all of the limitations of the base claim and any intervening claims.

Examiner Interview

The reply to the previous Office Action included a summary of the substance of the interview. Accordingly, the requirement for providing a summary of the substance of the interview has been fulfilled.

Discussion of Rejections

1. Although applicants disagree with the indefiniteness rejection, the issue is now moot since the claims 6, 8, 22, and 24 have been canceled without prejudice.
2. In regard to the written description rejection of claims 1, 3-4, 6, 8, 10, 19-20, 22, 26-28, 30, and 46-48, the issue has been rendered moot in view of the cancellation without prejudice of these claims.
3. Claims 26-31, 45, and 48 are rejected as allegedly non-enabled. Although Applicants disagree, these claims have been canceled without prejudice to expedite the prosecution of the application. Accordingly, the rejection should be removed.

The Office Action states in lines 6-5 of page 3: "Applicants present testing on one species, compound 33 (LJ-529), showing it effective in two xenograft models of breast...". Applicants note that there is an error in the Office Action. As set forth in the previous Reply,

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page 9 (see Discussion of Rejection under 112, First Paragraph) and in the specification paragraph [00127], LJ-529 corresponds to compound 36 and not compound 33.

In view of all of the foregoing, the non-enablement rejection should be withdrawn.

Foreign Priority

The Advisory Action has acknowledged the receipt of a certified copy of the priority document KR 2002/0065441.

Conclusion

Applicants respectfully submit that the patent application is in condition for allowance. The amendments either cancel claims, comply with the requirement of form expressly set forth in a previous Office Action, or present the rejected claims in better form for consideration on appeal. The Examiner is requested to enter the amendments. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,



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